

Witness Name:

Statement No.:

Exhibits:

Dated: 6th April 2023

UK COVID-19 INQUIRY

WITNESS STATEMENT OF NICOLA DICKIE

I, Nicola Dickie , will say as follows: -

COSLA Witness Statement to Module 1 UK Covid Inquiry

1. Convention of Scottish Local Authorities (COSLA)

- 1.1 The Convention of Scottish Local Authorities (COSLA) was formed in 1975. This coincided with the creation of the new structure of Local Government in Scotland under the Local Government (Scotland) Act 1973, which created a two-tier system. The Local Government etc. (Scotland) Act 1994 reorganised Local Government in Scotland again into 32 unitary authorities. All 32 of these unitary authorities are members of COSLA. COSLA also acts as the employers' association for local authorities.
- 1.2 COSLA's predecessor was the Convention of the Royal Burghs of Scotland. The Convention of Royal Burghs dates to the 16th century and was in operation until 1975. The Convention of the Royal Burghs undertook a similar role to COSLA, including engage with the UK Government on behalf of Local Government in Scotland on a range of issues, including civil emergencies, emergency preparedness and risk management.
- 1.3 COSLA is a councillor-led, cross-party organisation. Our current Leadership Team include our President, Vice-President and five spokespeople:
- President

- Vice-President
- Resources Spokesperson
- Health & Social Care Spokesperson
- Community Wellbeing Spokesperson
- Children And Young People Spokesperson
- Environment and Economy Spokesperson

Additionally, we have six political group leaders as follows:

- Scottish Green Party
- Scottish National Party
- Independent Group
- Scottish Liberal Democrats
- Scottish Conservatives
- Scottish Labour

NB: COSLA's political team changes because of local elections, most recently in May 2022.

- 1.4 COSLA has a Chief Executive who is supported by a Director for Place Policy, Director of People Policy and Director of Membership and Resources.
- 1.5 COSLA's decision making structures are summarised below:

Core to our decision making are:

- Convention – is responsible for strategic direction, priorities and electing the Leadership team as well as approving COSLA's revenue and capital budgets on an annual basis and COSLA Plan for each Local Government term (with annual reviews). Delegates are elected members from each of COSLA's member councils, and appointed by their council on a basis which reflects the party-political representation within that council. Convention meets twice a year.
- Leaders – is COSLA's main decision-making body and comprises the Leader of the Administration of each Member Council, and any Political Group Leader not also a Leader. Leaders meet at least eight times during the year to discuss and agree key political and resourcing issues.
- Policy Boards – we have four policy boards:

- Children and Young People
- Health and Social Care
- Community Wellbeing
- Environment and Economy

Each Board meets up to six times a year and is chaired by the corresponding spokesperson and is responsible for developing and agreeing COSLA's policy and positions for the topics within their remit.

Further details on the composition of COSLA can be found in COSLA's constitution (SL1), scheme of delegations SL2) and standing orders (SL3), which are included as part of our submission.

1.6 COSLA champions councils' vital work to secure the resources and powers they need. COSLA works on councils' behalf to focus on the challenges and opportunities they face, and to engage positively with governments and others on policy, funding and legislation, by:

- Engaging in key financial, legislative and policy developments to ensure they have the best possible impact
- Developing partnerships with Scottish, UK and international governments, parliaments, and the third and private sectors
- Campaigning on the issues that matter to our members and promote the image and reputation of local government.
- Championing the role of local government in the governance of Scotland, and lobby for stronger local democracy and community empowerment
- Leading reforms that improve public services and save money effectively
- Negotiating fair and affordable pay and workforce conditions on behalf of all councils
- Supporting councils to work together, and deliver shared services that increase their capacity

1.7 COSLA engages regularly with our sister organisations in the LGA, WLGA and the NILGA on a range of issues. We also engage through Council of European Municipalities and Regions with umbrella organisations across Europe on areas of

shared interest. We do not have specific structures across COSLA, LGA, WLGA and the NILGA to consider emergency preparedness.

2. Local Government in Scotland

- 2.1 Local Government in Scotland comprises thirty-two unitary local authorities, commonly referred to as councils. Local authorities vary considerably in size and population, but all have responsibility for providing a range of public services to the communities in their area. Each council provides public services, including education, social care, waste management, libraries and planning to name just a few. Councils receive the majority of their funding from the Scottish Government, but operate independently and are accountable to their local electorates. Councils raise additional income via the Council Tax (a locally variable domestic property tax), and Business Rate (a non-domestic property tax- rates for this tax are set nationally by Scottish Government. It is collected locally, but then pooled and redistributed to each council). Scottish Government guarantees the amount each council receives, protecting councils if the amount actually collected differs from the forecast.
- 2.2 Councils are made up of councillors who are directly elected by the residents of the area they represent. Each council area is divided into a number of wards, and up to three or four councillors are elected for each ward. There are currently 1,227 elected councillors in Scotland. Local elections are normally held every five years. The most recent election was the 2022 Scottish local elections and the next election will be the 2027 Scottish local elections. It should be noted the political leadership team in COSLA, as noted in paragraph 1.3, changes at the start of a new Council term.
- 2.3 The Local Government (Scotland) Act 1973 established many local authority powers and responsibilities for local government in Scotland. The Local Government etc. (Scotland) Act 1994 set up the current council structures. The Local Government in Scotland Act 2003 introduced a range of new duties for local authorities, including requirements to secure best value, engage in community planning and additional enforcement and financial and licensing functions, including taxis, parades and public houses. The Local Government (Scotland) Act 2004 sets out provisions for local government elections and expenses, and new requirements for the membership of local authorities (including pay and pensions) – to note there is a huge canon of legislation applied to LAs in Scotland which changes frequently.
- 2.4 Key responsibilities of Scottish local government include:

- Maintenance of all roads and pavements (except trunk roads which are the responsibility of Transport Scotland)
- Primary and secondary schooling
- Planning and Building Standards Services
- Housing and Homelessness
- Supporting non-commercial bus services
- Early Learning and Childcare Services
- Social Work and Social Care Services
- Protection of vulnerable children and adults
- Refuse collection, Recycling and Disposal
- Licensing for various provisions including taxis, parades.
- Food Hygiene inspections
- Environmental Health Functions.
- Regulation of landlords
- Economic Development Services
- Sports and leisure services
- Public parks and green spaces
- Money Advice and Administration of Benefits including Council Tax Reduction Scheme (CTRS), Discretionary Housing Benefit and Scottish Welfare Fund
- Trading Standards Functions

2.5 COSLA and local government engages directly and regularly with the Director General (Communities, Local Government and Housing Directorate) within Scottish Government. This part of Scottish Government assists and supports local government with relationships across all Scottish Government Directorates as well as working collaboratively on individual and strategic policy areas.

3. Other Related Structures

3.1 Health and social care services do not sit within a single structure. The Scottish Government sets out the overall strategic framework and legislative basis for the delivery of adult social care. It decides outcomes which local authorities are expected to achieve. Local authorities have a statutory responsibility to provide adult social care services. To deliver an integrated service, local authorities and NHS boards work together. In the majority of cases this is achieved through a Health and Social Care Partnership (HSCP) that is governed by an Integrated Joint Board (IJB). IJBs are responsible for the planning of adult social care services delegated to them by a local

authority, as well as some health services delegated by their Health Board and other functions although the exact extent of services delegated may vary from one HSCP to another.

- 3.2 The Public Bodies (Joint Working) (Scotland) Act 2014 legislated to bring together health and social care into a single, integrated system. The legislation brought together local services that were previously managed separately by NHS boards and local authorities. These bodies are now required by law to work together to plan and deliver adult community health and social care services, who have jointly prepared an integration scheme setting out key arrangements for how these services are planned and delivered within the local area. The Act also permitted these bodies to integrate other services, including children's and justice services. This is done through either a lead agency or body corporate model of which there are a total of 31. 30 of 31 are body corporate model which delegates to the IJB. Highland has a lead agency model where functions are delegated between health boards and local authorities. Each IJB issues health boards and local authorities with a direction for every function that has been delegated to the IJB. Directions are a legal mechanism and are obligatory for IJBs, health boards and local authorities.

3.3 Integrated Joint Boards (IJBs)

Local authorities and health boards can choose to delegate functions and resources to the IJB under the body corporate model and this is the model overwhelmingly used across Scotland. IJBs are public bodies and required to comply with a range of duties. Membership of the IJB is set out within the Public Bodies (Joint Working) (Scotland) Act Order 2014 and this includes a specified number of locally elected councillors and relevant local authority staff including the Chief Social Work Officer. IJBs are responsible for commissioning the services that are delegated to it. IJBs carry out this responsibility by issuing directions to local authorities – local authorities must then comply with these directions. As noted above in paragraph 3.2 Highland area does not operate by way of an IJB and governance of the partnership is through the Joint Monitoring Committee.

- 3.4 Whilst directly outside the time period the Inquiry has asked us to comment on it is worth noting that on 15 January 2021 the Cabinet Secretary for Health and Sport wrote to confirm that the Scottish Government had concluded that the results of that consultation showed that there was no clear equality, operational or strategic planning barriers to progressing the proposal and legislating for the inclusion of HSCPs/ IJBs

within the Civil Contingencies Act 2004 as Category 1 responders. The amendments to the legislation were laid before the Scottish Parliament on 18 January 2021 and came into effect on 18 March 2021.

3.5 Health and Social Care Partnerships

There are 31 health and social care partnerships in Scotland. Each health and social care partnership works towards a set of national health and wellbeing outcomes. All Partnerships are responsible for adult social care, adult primary health care and unscheduled adult hospital care. Some are also responsible for children's services, homelessness and criminal justice social work. Each of Scotland's 31 health and social care partnerships has a chief officer. The role of each chief officer is to lead the implementation of the strategic plan in their area, and to integrate and transform health and social care services for their local communities. They do this in two ways, through their strategic role within their integration joint board (IJB) and via their operational role within their NHS board and local authority. Health and Social Care Partnerships are Cat 1 responders so a core part of the civil contingency working arrangements.

3.6 The Scottish Health Protection Network

The Scottish Health Protection Network (SHPN) was established in 2015 and is co-owned by a number of stakeholders including local authorities, NHS Boards, Scottish Government and SEPA. SHPN aims to promote consistency by sharing best practice, building resilience and capacity within health protection services, and developing the workforce.

3.7 Under the Public Health etc (Scotland) Act 2008 local authorities have a duty to provide provisions that improve and protect citizens health, and therefore play an essential role in the surveillance, investigation, control and prevention of communicable disease and environmental hazards. Local authorities develop health protection plans which aim to address national and local priorities. These plans will consider local risks, challenges and lessons identified from outbreaks and incidents.

3.8 Local authorities enforce public health legislation and adhere to guidance produced by Health Protection Scotland. Members of the Local Government workforce, such as environmental health officers, will work in partnership with professional associations to undertake investigations and ensure compliance. Health Protection Scotland was subsumed by Public Health Scotland on 1st April 2020.

- 3.9 COSLA is a membership organisation representing all 32 Councils in Scotland which works on occasion with all of the structures outlined in this submission depending on the nature of the emergency, whether national policy decisions are required and provide political leadership as appropriate.
- 3.10 COSLA will work with DG Health and Social Care, Chief Operating Officer, NHS Directorate, Office of Chief Executive NHS Scotland, Chief Medical Officer and the Chief Nursing Officer Directorates to a greater or lesser extent depending on the nature of the emergency and the policy interventions that may be required.
- 3.11 Public Health Scotland is the lead national agency for improving and protecting the health and wellbeing of the people of Scotland. Its focus is on increasing healthy life expectancy and reducing premature mortality, with an emphasis on prevention and early intervention. Scottish Ministers and COSLA are joint partners in the strategic planning and performance review processes for Public Health Scotland at a national level. This joint sponsorship arrangement, which is unique for a Public Body in Scotland, reflects the crucial role that local government has in creating the conditions for wellbeing and health across Scotland.

4. Civil Contingency and Resilience Structures and planning

- 4.1 The Scottish Resilience Partnership (SRP) (SL4) is a core group of the most senior statutory responders and key resilience partners in Scotland. The group acts as a strategic policy forum for resilience issues, providing collective assurance to Scottish Ministers, and local political leaders, that statutory responders and key resilience partners are aware of significant resilience gaps and priorities, and are addressing these. It provides advice to the resilience community on how best to ensure that Scotland is prepared to respond effectively to major emergencies. Scottish Councils are key participants of the SRP.
- 4.2 Regional Resilience Partnerships (RRPs) (SL4 & SL5) support multi- agency co-ordination at a regional level and are made up of several LRPs normally based on geographic closeness. Since November 2013 there have been three such groups in the North, West and East of Scotland. Scottish Councils are key participants of RRP.

- 4.3 Within each RRP area are a number of Local Resilience Partnerships (LRPs) (SL5 &SL6) determined by the RRP's themselves, LRPs in the main take account of Police Divisional boundaries. LRPs support local working arrangements and maintain effective local liaison.
- 4.4 The RRP's and LRPs bring together all the relevant organisations in an area to develop an effective approach in dealing with emergencies in accordance with the principles of subsidiarity and proportionality.
- 4.5 There is communication between the tiers explained above with issues escalated from LRPs to RRP's to SRP's and if necessary to SGoRR should national Government support be required. Communications are also cascaded downwards within structures to ensure all tiers are working with the latest information at any given time.
- 4.6 LRPs and their structures function not just in response to specific emergencies – in steady state LRPs meet regularly to consider each partner's ability to respond should the need arise. During COVID meetings of the LRPs were stood up in every area in response to the pandemic specifically with links to steady state planning to provide reassurance LRPs could respond to multiple events in a locality should they arise.
- 4.7 LRPs structures differ to an extent across areas for example the lead/ chair arrangements may be different in different areas. For example some LRPs are chaired by Council officials with partners and in other areas the lead/chair may be from Police Scotland or the NHS.
- 4.8 Third Sector partners via Third Sector Interfaces and other agencies and operators are involved in LRPs/RRP's across many areas albeit given the non-statutory requirements of these partners and lack of consistent coverage that involvement can be variable and also dependent on the nature of the emergency at times.
- 4.9 Ready Scotland provides additional information on other Category 2 responders who may be involved across the structures outlined. A number of these are private sector bodies and include amongst other electricity operators, gas suppliers, Scottish Water, Communications Providers, transport operators, NHS national services and the Health and Safety Executive. In addition to the above, other agencies can have an important role in the context of resilience. These include the military, commercial organisations, voluntary sector and others.

- 4.10 Private Sector bodies involved in risk management and emergency planning differ across local areas for example in the North East of Scotland there are links into Energy Sector Groups where local structures can draw on expertise and assistance. Oil & Gas UK are members of our the LRP in the North East of Scotland and assisted during the COVID response.
- 4.11 LARGS is an informal professional grouping that brings together the emergency planners across Scottish Councils. There is no formal membership however emergency planners collaborate, share best practice, provide mutual aid and consider emerging issues.
- 4.12 The Civil Contingencies Act 2004 (the Act) and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (the Regulations), as amended in the Civil Contingencies Act 2004 (Contingency Planning)(Scotland) Amendment Regulations 2013 and the Civil Contingencies Act 2004 (Amendment of List of Responders) (Scotland) Order 2021 underpin the Preparing Scotland – Scottish Guidance on resilience. This legislation outlines the key organisations responsible for ensuring the effective management of emergencies in Scotland. All COSLA Member Councils are category one responders under this legislation. The Civil Contingencies Act places a number of legal duties upon Category one responders.
- 4.13 These are:
1. Duty to assess risk.
 2. Duty to maintain emergency plans.
 3. Duty to maintain business continuity plans
 4. Duty to promote business continuity.
 5. Duty to communicate with the public.
 6. Duty to share information.
 7. Duty to co-operate.
- 4.14 Using the example of the West of Scotland Regional Resilience Partnership (WoSRRP) a multi-agency Risk sub-group exists to determine the regional context of risks prescribed by the National Security Risk Assessment (NSRA) and produce a region-wide Risk Preparedness Assessment (RPA) to be endorsed / reviewed by WoSRRP membership strategic leads on an annual basis. WoSRRP partner

organisations are fully involved in this activity and part of that work concerns joint publication of a Community Risk Register (CRR) covering the WoSRRP area.

- 4.15 Emergency plans and procedures are created at various levels: nationally, regionally, and locally, as well as at strategic, tactical and operational response levels. They may be generic in nature or specific, depending on the intended use or legal requirements. Local authorities contribute to the preparation and rehearsal of such plans where they are identified as having a role to play. There is a large volume of plans in existence that are reviewed as required on a regular basis.
- 4.16 Local authorities devise business continuity plans based on a prioritisation of services to support civil emergency responses and maintenance of critical council functions. In reality this enabled councils to stand down areas of routine service to move staff and other resources to areas of critical business need and emergent issues not previously recognised. For critical services, under an extreme level of pressure brought about by a global pandemic, this required mutual aid across responder agencies and significant volunteer effort that previously did not exist. Many of the temporary suspensions could not be maintained over the longer term however a number of the new ways of working will have been retained post pandemic. It is fair to say however that no organisation's business continuity plans were able to fully cope with a pandemic on this scale and there was a lot of "hot writing" of plans responding in real time to changes in the challenge.
- 4.17 Local authorities contribute to the joint publication of CRRs covering respective RRP areas. Local authority Public Communications leads work collaboratively with their professional peer group across partners organisations in the preparation and delivery of public communications associated with emergency preparedness and response, adopting a lead agency model where appropriate e.g. in the communication of public safety or public health advice. In reality this enabled councils to stand down areas of routine service to move staff and other resources to areas of critical business need and emergent issues not previously recognised. For critical services, under an extreme level of pressure brought about by a global pandemic, this required mutual aid across responder agencies and significant volunteer effort that previously did not exist. Many of the temporary suspensions could not be maintained over the longer term however a number of the new ways of working will have been retained post pandemic. It is fair

to say however that no organisation's business continuity plans were able to fully cope with a pandemic on this scale and there was a lot of "hot writing" of plans responding in real time to changes in the challenge.

- 4.18 RRP's are not statutory bodies, nor do they have powers to direct individual members. Notwithstanding this, the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (as amended), does require that the RRP be formed and should be recognised as the place where the statutory duty to co-operate in a single forum is met.
- 4.19 The strategic members of the RRP are ultimately responsible for resilience structures within the region. Most partner organisations who constitute LRP's are also members of RRP's-third sector interface umbrella organisations are one potential exception being represented at LRP level only.
- 4.20 Local authorities are very well connected to Local and Regional Resilience Partnership structures, cultivating working relationships across organisations which carry through to emergency response. Cooperation and information sharing are evident throughout emergency preparedness, response, and incident review across the spectrum of organisations contributing to national, regional, and local multi-agency resilience work.
- 4.21 Resilience doctrine recognises that response to and recovery from incidents should be based on the principles of 'right people, right place, right time', which on occasions, may merit a level of regional response or oversight. Indeed, the RRP's have on occasions, adopted a 'regional' approach in terms of situational awareness and oversight to certain incidents such as disruptive weather and changes in Counter Terrorism Threat Level.
- 4.22 RRP's maintain bilateral communications with government through the RRP co-ordination teams and liaise with neighbouring RRP's and cross-border agencies as required. Each LRP has a Public Communications Groups where communication professionals share appropriate messaging in any emergency etc.
- 4.23 Whenever there's an emergency in Scotland, a number of different organisations immediately start working together to tackle it. RRP's and LRP's are the principal mechanisms for multi-agency co-ordination under The Civil Contingencies Act (2004)

and help them to coordinate, collaborate and share information. Regional resilience structures were first established in November 2013 and comprise of the North of Scotland, the East of Scotland and the West of Scotland. Composition of the RRS is made up of Category 1 and Category 2 responders to ensure the effective management of emergencies in addition to other groups and organisations who play a key role in terms of resilience.

- 4.24 To facilitate the role of RRP, a RRP Risk Preparedness Assessment is undertaken to assist in understanding the context of the region and identifying relevant risks, assessing risks within the region and the level of preparedness to deal with the consequences of these identified risks, as well as communicating identified issues with the general public.
- 4.25 This process is led by Scottish Fire and Rescue Service (SFRS) and starts with a review of the UK Govt National Security Risk Assessment. The SG then review that with a Scottish lens and SFRS lead partnership discussions and assessment to produce the respective RRP Risk Registers that in the case of the North become LRP Risk Registers and work plans.
- 4.26 In addition, each RRP publishes their Community Risk Register which highlights risks that have the highest likelihood and potential to have significant impact, causing disruption to the region and its communities. The partnerships aim to maintain effective local liaison and co-ordination to plan, prepare and respond to localised incidents and emergencies, through developing and managing a local work programme.
- 4.27 Standing regional and local resilience partnerships meet year-round across Scotland to plan for emergencies and to take part in exercises to test those plans. The Scottish Government supports them with guidance and practical help.
- 4.28 In planning and preparation, there are variances across LRPs in terms of chair and local strategic oversight, some have distinct tactical and strategic groups, others do not. Local structures are designed to meet local contexts and circumstances. Membership of LRPs, including the Chair, will be determined locally, but include representatives from Category 1 and 2 organisations and others as deemed

necessary. For routine business meetings the membership will primarily be individuals with civil contingencies responsibilities.

4.29 The remit of the LRPs can be summarised as follows:

- Implement, at a local level, the policies and strategies developed by the RRP recognising that, in response, this may be channelled through national coordination facilities.
- Develop and maintain a local work programme aligned to that of the RRP.
- Formulate and oversee any area-specific strategic objectives.
- Participate in the development of regional plans and ensure effective local implementation of such plans.
- Manage the development of local emergency plans and promote preparedness through the delivery of agreed training and exercise programmes aligned to the regional training and exercising programme.
- Undertake debriefs of all major incidents and exercises, sharing lessons in best practice whenever possible.
- Participate in the development and maintenance of the Community Risk Register and Risk and Preparedness Assessment processes.
- Develop and maintain proactive alerting, activation, preparation, response and recovery arrangements aligned with national and regional generic response and recovery arrangements.

4.30 Resilience Partnerships may be activated at either a tactical and/or a strategic level. They may be activated locally by a single Category 1 organisation within the predefined LRP areas. Depending on the circumstances, a resilience partnership may be comprised of one or more constituent LRPs as appropriate. For example, to address the specific health emergency posed by the Covid-19 outbreak, a resilience partnership was formed within the boundary of the Greater Glasgow and Clyde Health Board incorporating several constituent LRPs.

4.31 Whilst this is the first time we saw that structure adopted in response, and it may be regarded as extraordinary, it is within the spirit of 'Preparing Scotland', which promotes response structures based on the "the right people in the right place at the right time". The most effective arrangements to meet the specific nature of the required response is paramount.

- 4.32 More generally in considering the level of response required for any emergency scenario, thought is given to, the geographical extent of the emergency, societal consequences, organisational impacts, the level of command, control and co-ordination required. In a civil contingencies context, command is the exercise of vested authority that is associated with a role or rank within an organisation, to give direction in order to achieve defined objectives. Control is the application of authority, combined with the capability to manage resources, to achieve defined objectives through agreed methods of collaborative working. Co-ordination is the integration of multi-agency efforts and available capabilities, which may be interdependent, to achieve defined objectives.
- 4.33 Local responders' integrated emergency management arrangements are the foundation of dealing with emergencies with control of operations being exercised at the lowest practical level. This allows for the response to be escalated gradually and provides the opportunity to minimise interventions until as and when they are required. The coordination and support of local activity should be at the highest level required and both principles should be complementary. The majority of incidents are dealt with at the local level with little or no regional or national government involvement. This approach has proven to be robust in Scotland.
- 4.34 However, in the event of an emergency (as defined by the Act), arrangements are made to inform the Scottish Government, where appropriate*, as soon as it is reasonable to do so. As the emergency develops, Scottish Ministers may require detailed and up to date information about the effective progress of the response.
- 4.35 When the scale or complexity of an emergency is such that some degree of central government co-ordination or support becomes necessary, Scottish Government will activate its emergency response arrangements through Scottish Government Resilience (SGoR). The precise role of SGoR will vary depending on the nature of the emergency.
- 4.36 In responding to the Covid-19 pandemic the emergence of new national groups, structure and roles, the national Strategic Co-ordination Group (SCG) highlights a reality that coordination of multi-agency resilience partners in serious and geographically wide-spread incidents, is most likely to be based on National and Local partnership structures, rather than Regional.

- 4.37 While the principle of 'subsidiarity' is widely accepted, the potential exists for national government to make major strategy, policy and legislative announcements with little or no prior notice / consultation with responders. This was often the case during the response to the COVID19 pandemic.
- 4.38 Strategy, policy and legislation will be established nationally and operationalised by responders without cause to activate / involve the RRP to set regional strategy or policy (e.g. Protection Levels, Test and Protect, Shielding, Self-Isolation, Vaccination Programmes, Community Testing Sites).
- 4.39 Where circumstances dictate fluid interaction can take place nationally across and between sectoral leads, professional groups and representative bodies including Society of Local Authority Chief Executives (SOLACE), COSLA, Directors of Public Health and many others. There is also the likelihood of direct interaction between Scottish Government Directorates and specific sectors e.g. health, education, care homes, transport, travel, hospitality and retail.
- 4.40 Incidents broadly fall into two categories: spontaneous, those for which there is no or very little prior warning and; non-spontaneous, those where some early indication of a potential incident exists. Spontaneous incidents are often referred to as 'intensive', 'no warning' or 'sudden impact'. Incidents where some prior warning exists are often referred to as 'extensive', 'slow burn' or 'rising tide'. Broadly speaking spontaneous incidents will be at a single site or scene (more rarely at multiple scenes) whereas non-spontaneous incidents will generally be more geographically widespread. The divide between the two categories is not absolute. After the initial stages of a spontaneous incident, more formal management structures will quickly be put in place. As time progresses, the response to a spontaneous incident may look little different to one where some prior notice had been available. In a similar manner, even in emergencies where prior notice is available, aspects of the initial response may be spontaneous.
- 4.41 Regardless of the type of event, the response, objectives, and management structures will be similar with respect to command, control and co-ordination. However, in extensive incidents for which there is no defined locus, co-ordination is more likely to be conducted through a Multi-Agency Co-ordination Centre (MACC). Depending on

the scale of the incident, a MACC may be established at a local, regional, or national level.

4.42 RRP Co-ordinators may on occasion represent LRP/RRP interests in the panoply of national response forums e.g. SCG, NCC, MACC, CROG and SGoR, as well as various subject matter specific sub-groups. RRP Co-ordinators act as a key link into government and/or the wider partnership for LRPs who are responding and require information or support. Responders will escalate as required to RRP typically and SG will convene SGoRR (Scottish Government Resilience Room) where national/policy wide interventions are required, but this is in parallel to LRP/RRP activity and not as part of Civil Contingency Act necessarily. This means there is national intervention happening at times that Scottish Government judges necessary not just via escalation from the resilience structures.

4.43 COSLA and local government engages directly and regularly with the Director-General Strategy and External Affairs and Performance, Delivery and Resilience Directorate. In the context of emergency planning the primary relationship is through Resilience Directorate colleagues sitting on the SRP and liaison/coordination with them in terms of policy and national preparation and preparedness. Resilience division clerks for and supports the work programme of the SRP, and the RRP coordinators are civil servants who support Cat 1 responders in their preparation, training and response activity. The civil service provides support to the infrastructure for LRPs and RRP via RRP Coordinators.

4.44 The Scottish Government Resilience Cabinet Sub Committee (SGoR) gives Ministerial oversight to strategic policy and guidance in the context of resilience in Scotland. (SGoR) meets in preparation for emergency response and keeps abreast of matters related to promoting and improving civil protection, contingency planning and preparing for specific contingencies such as pandemic influenza. Whilst acknowledging the independence of Category 1 responder agencies to undertake preparation pertaining to resilience, such preparation will generally take place within an overarching structure of legislation and national guidance. It is the role of CSC (SGoR) to approve new national guidance and to make decisions on the taking forward of new legislation. SGoR(M) sets the strategic direction for Scotland's response. It acts on behalf of, and reports to, the Scottish Cabinet. In the response phase, membership of SGoR(M) is determined by the nature of emergency. The procedures that support SGoR(M) will be activated flexibly. A judgement will be made

by the Scottish Government in each set of circumstances about precisely what elements need to be activated. An essential element of a national response will be the activation of the Scottish Government Resilience Room (SGoRR). Resilience Partnerships are advised of the activation of SGoRR as soon as is practicable.

- 4.45 Scottish Government Resilience (Officials) SGoR (O) is a group of senior Scottish Government officials drawn from all relevant Directorates (i.e. government policy areas such as Business and Industry, Health, Environment etc.), plus external members on occasion. It analyses information received by the SG and provide advice to the SGoR(M) on options for handling the consequences of the emergency, oversees implementation of decisions taken by the SGoR(M) and ensure co-ordination of Scottish Government activity.
- 4.46 When the scale or complexity of an emergency is such that some degree of central government co-ordination or support becomes necessary, Scottish Government will activate its emergency response arrangements through SGoRR. The precise role of SGoRR will vary depending on the nature of the emergency.

SGoRR will:

- provide strategic direction for Scotland.
 - co-ordinate and support the activity of SG Directorates
 - collate and maintain a strategic picture of the emergency response with a particular focus on response and recovery issues.
 - brief Ministers
 - ensure effective communication between local, Scottish and UK levels, including the co-ordination of reports on the response and recovery effort
 - support response and recovery efforts as appropriate, including the allocation of scarce Scottish resources
 - determine the Scottish Government's public communication strategy and co-ordinate national public messages in consultation with Resilience Partnerships and other key stakeholders
 - disseminate national advice and information for the public, through the media
 - if appropriate, liaise and work in partnership with the UK Government.
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- 4.47 To achieve the above, clear and comprehensive communication between SGoRR and all agencies involved is necessary. In its activity SGoRR will be supported by the

local arrangements established by Resilience Partnerships. This function will, in general, be built upon existing arrangements created during preparation. The Scottish Government's Resilience Division leads the operation of SGoRR. Typically, SGoRR will include staff from the main affected Scottish Government Directorates and representatives of relevant agencies.

- 4.48 It will gather and process information from external responders, either directly or via Resilience Partnerships and disseminate it to SGoR(O). The Scottish Government recognises that local decisions must be taken locally. It will not interfere in local emergency response arrangements unless specifically empowered to do so by emergency regulations.
- 4.49 Local Authorities were/are guided by a large extent by the Preparing Scotland Guidance issued by Scottish Government. Preparing Scotland is a suite of documents that focusses on principles and concepts that should guide emergency planning rather than instructive guidance. The guidance is used to underpin local authority emergency preparations.
- 4.50 NRA and NRR informs our planning where appropriate e.g. NETS planning and Radiation Monitoring Units are being actively planned for and come from the NRA and NRR. Prior to Covid, Flu Pandemic was in council/LRP workplans, again sourced from the NRA and NRR. The Preparing Scotland guidance is well referenced by councils and LRPs alike. Local Authorities have directly contributed to the risk assessment process thereby ensuring that any issue they face is also identified and if not captured in the local risk assessment should be captured in their own one.
- 4.51 As stated by www.ready.scot, the purpose of the Scottish Risk Assessment is to help the resilience community in Scotland understand civil contingencies emergencies which Scotland may face within the next five years, and to use this to prepare for and respond to these should they occur. The SRA provides Scottish context for risks where Scotland would be affected differently to the rest of the UK and is designed to supplement the NSRA, while remaining a stand-alone document.
- 4.52 The SRA is developed using information from the UK NSRA, together with Scottish specific information from subject matter experts. The SRA uses an adaptation of the methodology used for the UK's National Risk Assessment (NRA), the predecessor to the current NSRA, with impact scales adjusted appropriately for Scotland and a focus on natural hazards and accidents.

- 4.53 It should be noted that the SRA uses impact scores to describe the overall severity of the impacts of an emergency to highlight potential response scenarios. As a strategic tool, the SRA does not replace or replicate more detailed risk assessment products and evidence, whether that be dynamic intelligence threat assessments or short term hazards forecasts.
- 4.54 The SRA will continue to be developed on a two year cycle with those risks that need specific consideration for Scotland assessed with Scottish responders, scientific experts and policy leads. These risks will be identified by subject matter experts and 10 validation groups. Those risks that do not need specific Scottish consideration i.e. where the scenario described in the NSRA is accurate for Scotland and the science is the same, would not be assessed separately for Scotland.
- 4.55 This process is led by SFRS and starts with a review of the UK Government's National Security Risk Assessment. SG then review that with a Scottish lens and SFRS lead partnership discussions and assessment to produce the respective RRP Risk Registers which then filter down to LRP Risk Registers and work plans.
- 4.56 In addition, each RRP publishes their Community Risk Register which highlights risks that have the highest likelihood and potential to have significant impact, causing disruption to the region and its communities.
- 4.57 To facilitate the role of RRP, a RRP Risk Preparedness Assessment is undertaken to assist in considering the following four stages:
- understanding the context of the region and identifying relevant risks;
 - assessing risks within the region.
 - the level of preparedness to deal with the consequences of these identified risks and
 - communicating identified issues with the general public.
- 4.58 In order to support the development of the Assessment, guidance is published via the www.ready.scot website. The guidance sets out the legislation and principles

underpinning the RRPRPA and information about the four stages involved in its completion. The Assessment is ultimately a living document which is regularly refreshed and updated. As set out on www.ready.scot, the purpose of the RRP RPA is to:

- Provide an accurate and shared understanding of the risks which may affect a region based on available evidence so that consequence based planning has a sound foundation.
- Provide a rational basis for the prioritisation of effort and allocation of resources;
- Identify and assess the capabilities and capacities (preparedness) of the region to deal with the consequences of the risks;
- Develop a work plan aimed at closing any identified capability 1 and capacity 2 gaps;
- Provide an overview of emergency planning and business continuity arrangements for responders and resilience partners within the region; and
- Provide a basis for risk communication to the general public through Community Risk Registers (CRRs).

4.59 Each Local Resilience Partnership has testing and exercising arrangements which are agreed and delivered within their LRP structures. Local authorities both participate in these multi-agency exercises/tests and deliver their own exercises. Some councils will have mechanisms in place to ensure that emergency plans are reviewed regularly, even annually. This can be done under delegated officer powers, or by Committees. Committees are likely to also receive updates from officers on the extent to which plans are exercised and this may also feature in publicly available risk registers. After the activation of a plan, Councils will hold de-briefs to pick up any learning points and modifications if required.

4.60 As the Inquiry will be aware COSLA undertook a survey (SL7) of each of the 32 LAs to assist with collation of this witness statement when asked to what extent emergency plans and risk assessments in place at January 2020 considered the risk factors and potential impacts on the groups of people with listed characteristics, in the event of a pandemic emergency occurring, the majority of councils answered yes to age, disability, clinically vulnerable, people living in residential care and nursing homes, homeless and vulnerably housed, those with mental health difficulties and groups outlined in Chapter 7 of Emergency Response and Recovery. A relatively

equal number answered yes or no to pregnancy & maternity and those experiencing socio-economic disadvantage. Whilst proportionally more local authorities answered no to the remaining characteristics, it should be recognised that at least 25% of local authorities had answered yes.

- 4.61 The extent of voluntary and community partners involved in emergency preparedness and resilience functions at a local government level is varied. They can be part of SRP membership in some areas depending on coverage and availability, they are embedded in majority of LRPs and their plans. Voluntary capacity is however incredibly important to emergency preparedness and response.
- 4.62 With regard to planning exercises relevant to pandemic preparedness that local government resilience structures and organisations like COSLA were involved in it is worth highlighting exercise Silver Swan which looked at pandemic influenza in 2015/16 was attended by local authorities as it was toured across the regions in Scotland. Local authorities attending were grouped with NHS representatives from their area. NHS Boards were the Planning leads for the pandemic exercise (mostly focussed on influenza pandemic). Local authorities in the exercise performed support to the public health response as coordinated by the NHS and support for the Response Management Teams that would be stood up. In the COVID period these manifested themselves in the roles that local authorities performed through the LRPs.
- 4.63 Learning from this event influenced and would be reflected in the production of the NHS response to which local government would provide support. The learning from the regional exercise would be aggregated by the Scottish Government (Health) to ensure a level a level of consistency in terms of the issues raised and considered. It took a long time for the learning from the exercise to be shared however. The learning was also be shared at the RRP level and as noted above aggregated for national consideration.

5 Finance and Economic Planning

- 5.1 In terms of the economic planning that took place by relevant local government bodies in the context of emergency planning it is worth highlighting it is for individual local authorities to determine the level of financial resources allocated to emergency planning and resilience purposes. This is done within the context of the overall resources available, and the level of risk being carried across a number of policy areas. There is no uniform

set of challenges faced across all 32 of COSLAs Member Councils given the wide-ranging statutory powers, geographical differences and overall infrastructure contained across LA boundaries.

5.2 Councils have emergency planning/civil contingency teams and size of the team will vary between Councils – these teams are part of Councils core revenue budgets. Some Council may also have allocated further funding during the time period, however, there is no standard approach.

5.3 Scottish Councils receive the majority of their allocated budget from Scottish Government. Increasingly, Scottish Government is directing spend within the total budget envelope from Scottish Government, with increases in both specific grants and funding from other portfolios. The table below demonstrates this trend (with all information taken from [Scottish Budget](#) documents

	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23
General Revenue Grant + Capital Grant + NDR (CORE)	10,120	10,339	10,382	10,094	9,947	9,843	9,916	9,926	10,217	10,249
Specific Grant- Resource	98	90	90	93	211	263	484	686	752	752
Specific Grant- Capital	100	149	145	126	133	278	380	295	139	139
Within Other portfolios						123	291	429	512	1,334
Total LG Settlement	10,318	10,578	10,617	10,313	10,291	10,507	11,071	11,335	11,620	12,474

5.4 Despite this flat-lining of core funding, Councils have actively protected spend in education and social care, meaning that the savings burden falls disproportionately on areas such as Roads, culture/sport, economic development. (a recent [report](#) by the independent Institute of Fiscal Studies backs this up) and resilience. It is also worth noting the structural reforms of policing and fire services will have impacted the overall funding and resilience planning functions given these transferred from LG to Scottish Ministers in the time period the Inquiry has highlighted.

5.5 With regard to the roles or positions at local government level in relation to the resource allocated to civil emergencies, emergency preparedness and pandemic preparedness it is for individual local authorities to determine at a local level. This is done within the context of the overall resources available and the level of risk being carried across a number of policy areas and again this reflects that there is no uniform set of challenges faced across all 32 of COSLAs Member Councils given the wide-ranging statutory powers, geographical differences and overall infrastructure contained across LA boundaries.

- 5.6 COSLA is ordinarily involved in the majority of all funding decisions as they relate to Local Government through budget lobbying, and then settlement and distribution decisions throughout the year. COSLA Leaders ultimately decide, following recommendations from the Settlement and Distribution Group (Scottish Government, COSLA, Local Government, established in 2011) how individual funding streams will be allocated across the various Councils areas. During the pandemic it is worth highlighting that at times funding streams were announced by Scottish and UK Governments with minimal engagement with COSLA or Local Government, with engagement subsequently happening retrospectively highlighting the fast-moving nature of decisions being taken nationally.
- 5.7 General observations on the financial planning (referred to as economic planning in the document) at the local government level in the context of emergency preparedness with respect of the Covid-19 pandemic, within the proposed date range would be that, like other areas of local government competence, capacity is likely to have been reduced due to the reduction in core funding for local government.

6 COSLA's Perspective on Preparedness for Covid-19

- 6.1 From the perspective of COSLA Scottish Government's state of readiness for the Covid-19 pandemic during the proposed date range was satisfactory to an extent. There had been regular testing and exercising of generic response and recovery arrangements nationally and locally, however the scale and longevity of the pandemic meant many situations faced throughout the period had not necessarily been fully accounted for in planning and risk assessment processes. This was common throughout the UK or indeed the globe. This corresponds with the information COSLA received from Member Councils in the survey (SL7) responses collated in preparing this witness statement.
- 6.2 From the perspective of COSLA the UK Government's state of readiness for the Covid-19 pandemic during the proposed date range was satisfactory to an extent. There had been regular testing and exercising of generic response and recovery arrangements nationally and locally however the scale and longevity of the pandemic meant many situations faced throughout the period had not necessarily been fully accounted for in planning and risk assessment processes. This was not uncommon throughout the UK or indeed the globe. This corresponds with the information COSLA received from Member Councils in the survey (SL7) responses collated in preparing this witness statement.

- 6.3 Information and guidance in respect of emergency preparedness for Covid-19, from the UK Central Government and the Scottish Government was disseminated to local government in Scotland using the existing structures detailed in this submission. Consistency of messaging was challenging at times given the fast moving and at times changeable nature of the messaging to be disseminated as understanding of Covid-19 and the required actions changed.
- 6.4 The risk assessments, emergency plans and forecasts at a local government level in Scotland accounted for the possibility of pandemic like Covid-19 to an extent, however as referenced earlier in this submission the longevity of the pandemic, the fact Covid-19 was a novel disease and the subsequent decisions that were taken had not necessarily been planned for across the structures outlined in this submission.
- 6.5 Local emergency plans had been exercised in the context of a pandemic like Covid-19 during the proposed date range however this was not necessarily done uniformly. Local emergency plans are exercised frequently as demonstrated in the responses to the surveys (SL7) from all 32 LAs, however areas all have local emergency plans specific to the types of risks most likely to present and cause disruption in their local areas accordingly to geography, demography and local infrastructures.
- 6.6 As the Inquiry will be aware COSLA undertook a survey (SL7) of each of the 32 LAs to assist with collation of this witness statement when asked to what extent emergency plans and risk assessments in place at January 2020 considered the risk factors and potential impacts on the groups of people with listed characteristics, in the event of a pandemic emergency occurring. The majority of councils answered yes to age, disability, clinically vulnerable, people living in residential care and nursing homes, homeless and vulnerably housed, those with mental health difficulties and groups outlined in Chapter 7 of Emergency Response and Recovery. A relatively equal number answered yes or no to pregnancy & maternity and those experiencing socio-economic disadvantage. Whilst proportionally, more local authorities answered no to the remaining characteristics, it should be recognised that at least 25% of local authorities had answered yes.
- 6.7 All Local Authorities had emergency plans in place to allow them to deal with the response and recovery to an emergency. These plans are generally developed on the basis that the emergency is short, intensive and localised and not one of this nature. While many LAs had Pandemic Flu plans they weren't implemented fully as the

response to the emergency was directed by UK and Scottish Governments, given the nature of the pandemic and Local Authorities' role was to implement decisions made there following guidance from public health experts and clinicians.

6.8 All Councils have business continuity management arrangements in place as part of their business continuity arrangements and discussions are held locally and national during emergency periods to direct funding in support of business continuity. Councils will also have access to the Bellwin Scheme, which reimburses local authorities for costs incurred on, or in connection with, their immediate actions to safeguard life and property or to prevent suffering or severe inconvenience as a result of a disaster or emergency in their area. Generally, this is activated at a national level due to, but not limited to, extreme weather events. Whilst all councils hold reserves for a variety of purposes, including winter in some more northerly and remote local authority areas, there were no specific funding lines within approved budgets for 2020/21 to deal with a civil emergency like the Covid-19 pandemic. However, most local authorities do have emergency planning resource allocated i.e. dedicated officer/s.

6.9 COSLA interacts with Scottish Government, local government civil contingency actors on an ongoing basis and this was the case in January 2020. Interactions in January 2020 were general as opposed to specific policy interactions being discussed at that stage.

6.10 COSLA has ongoing working relationships with LGA, WLGA and indeed NILGA. Interactions in January 2020 were general as opposed to specific policy interactions being discussed at that stage.

6.11 The impact of the UK's decision to leave the European Union had a limited impact on local governments emergency preparedness and resourcing for the Covid-19 pandemic at a local level. Survey (SL7) responses from all 32 LAs did not highlight this area as having a significant impact – this is in the context of Covid-19 being a global pandemic where supply chains throughout the world were disrupted and movement restricted throughout.

7 Planning for Future Pandemics

7.1 The majority of LRPs have collated Lessons Learned debriefs (sometimes multiple reports at different stages of the pandemic/ recovery (phases). Additionally LRPs will have provided key learning points/ observations at the request of the Scottish Government via

the RRP. This information was also considered by the Strategic Coordination Group (SCG) which was stood up to coordinate the response to the pandemic at a national level.

- 7.2 In terms of planning for a preparing for and managing whole system civil emergencies we anticipate that the UK CCA Review will flow through to Scotland in due course. For all public health events in future, local government will always look to the NHS and Public Health Scotland for advice in relation to health related measures. The learning from the COVID19 pandemic in relation to joint working, leadership, communications and mobilisation of all sectors/ responders will improve the capacity of the resilience community to respond to and recover from future pandemic waves.
- 7.3 In different locations, agreements were made for different leadership arrangements for LRPs to provide support to NHS or Police colleagues – for example in some LRPs local authorities took the lead role. This was a pragmatic arrangement that reflected the focus needed by NHS and Police Scotland colleagues.
- 7.4 Temporary groups such as the SCG (noted above) were often stood up by the Scottish Government for a specific purpose and these were attended and supported as appropriate by representatives of local government including COSLA and SOLACE and a range of professional networks such as Local Authority Resilience Group Scotland (LARGS), the Society of Chief Environmental Health Officers in Scotland, the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) etc.
- 7.5 All conclusions and recommendations arising from the collation of learning from the pandemic would be undertaken at a national level. Local government has contributed its views to these review exercises but do not own the outcomes. This work is still ongoing and guidance is awaited from the Scottish Government on specific recommendations.
- 7.6 In terms of future plans for resourcing and prioritisation across Scotland for pandemic readiness there are a number of general observations below, noting these come from a variety of sources and are not universal observations from all COSLA's Member authorities:
- Full lockdown was never anticipated as a reasonable worst-case scenario, so plans did not reflect the challenges- this must be considered moving forward.

- Sense that UK and SG Governments were slow off the mark in recognising emerging national emergency of unprecedented scale, delaying stand up of national response structure (COBRA / SGoRR, etc.) and the engagement with Responder community at national (SRP) and local (LRP) levels that would flow from that. Consequence was apparent lack of authoritative information and delayed multi-agency engagement at a local level through LRPs albeit local NHS led Incident Management Teams stood up weeks in advance of the LRP.
- Planning assumptions when confirmed were very limited; referencing reasonable worst-case scenarios for excess deaths, infection rates / potential absences only – no reference to wider social or economic impacts or intervention measures such as social distancing, shielding, the closure / cessation of “non-essential” workplaces, works, services and entire industries including furlough. Multi-agency planning was in place for influenza pandemic, less so for pandemic caused by an emerging disease – influenza pandemic rated more significant risk than an emerging disease such as Covid-19?
- Responder community largely made aware of major SG policy decisions simultaneously to the wider public through media briefings, placing high expectation and significant burden on local authorities to deliver wide ranging and unbudgeted support to large populations at very short notice, often requiring the creation of new and therefore untested systems. That same spontaneity applies to the creation and release of Covid-19 related guidance for numerous sectors and settings.
- Responder organisations, through collective representative groups such as COSLA and SOLACE or otherwise, must be involved in forming SG policy decisions in preparing for and responding to all emergencies. Doing so needn’t slow decision-making but rather afford a more comprehensive range of inputs to better inform decision-making. That principle applies in recovery too.
- Need to recognise potential for rapid emergence of multiple new Scottish Government and national working groups which require resource from or otherwise influence the work of responders.
- Planning assumptions need to articulate the likely scale and protracted timeline of response operations/structures during certain ‘extensive’ incidents like a pandemic

and the effects this may have on organisational / personal resilience, the likely displacement of mainstream work, and the potential for other concurrent risks and amplification of impacts.

ENDS

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed **Personal Data**

Dated: 06/04/2023